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23 December 1983

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Thank you for your letter of December 12, 1983.

I can be of little help to you in providing "some background guidance that might be very useful", since I plan not to be in Washington again for many months. I spent a couple of weeks there in October, probably while you were [redacted] with Tom Polgar or [redacted] with [redacted] (if that is where he hangs out these days).

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I probably could not help you much anyway, since I learn from Dave Phillips that a precedent has been established in one of the Challenge cases whereby any retired official may incriminate himself under recent legislation that is designed to protect sources and methods if he discusses other retired or active officials by name or discusses their activity. This legal precedent is one that I welcome.

The other legal precedent that would restrain me was established in the Snapp case: any person who acquires information in the execution of his official duties has a fiduciary responsibility to handle that information only in a fiduciary manner. It is not his property. Whether it is classified or not is beside the point, since he does not have the authority to classify or declassify it. This point of law has been mendaciously represented by the media, and by Frank himself. It is clearly set forth on page 5 of the published Supreme Court Decision of February 19, 1979, and one of the media (Newsweek, 17 March 1980) allowed George Carver to explain it intelligently (p.21).

It is probably a mistake to try to squeeze Snapp's toothpaste back into the tube, and I should probably have refrained from comment on his book when I first got it at Christmas 1977. But because I was afraid that

many Vietnamese friends would be upset or misled by the book, I wrote a letter to two of them to whom I was emotionally close, then revised it into a less personal paper that I sent to other Vietnamese friends, with annotated copies to the Agency. In the hope that this bit of truant toothpaste may interest you, I enclose a xerox of the xerox, which will not be very legible. My substantive annotations to the Agency are not releasable.

You may think it useful for your book to include a French point of view. If so I recommend [redacted] at the moment employed at [redacted] Do not expect her to reveal any real secrets, for she is enormously discreet and intensely loyal to her Government as well as to her friends. [redacted]

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[redacted] But you can not find a person with more personal and official experience of Vietnam from the early Viet Minh days through that cruelest April in 1975 and on in Saigon for a year afterwards. If it would not be indiscreet, I might say that she is responsible for rescuing more people from the North Vietnamese than anybody I know.

Sincerely,

[redacted]

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